

12-01-03

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
15550.7

In Re Application Of: James Smelser

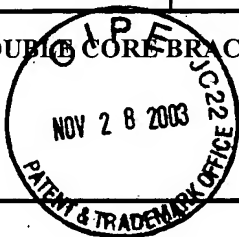
Serial No.  
10/628,027

Filing Date  
July 25, 2003

Examiner  
Unassigned

Group Art Unit  
3637

Title: DOUBLE CORE BRACE



Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
15550.7

In Re Application: James Smelser

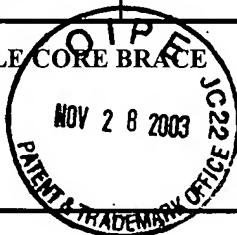
Serial No.  
10/628,027

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July 25, 2003

Examiner  
Unassigned

Group Art Unit  
3637

DOUBLE CORE BRACE



**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

11/28/03  
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Signature

Ryan Benson  
Typed or Printed Name of Person Signing Certificate

**Certificate of Mailing by First Class Mail**

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature of Person Mailing Correspondence

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Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

*[Signature]*  
Signature

Dated: November 28, 2003

RYAN D. BENSON

Attorney for Applicant

Registration No. 54,767

CUSTOMER NUMBER: 022913

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): James Smelser

Docket No.

15550.7

Serial No.  
10/628,027Filing Date  
July 25, 2003Examiner  
UnassignedGroup Art Unit  
3637

Invention: DOUBLE SCORE BRACE



I hereby certify that the following correspondence:

Transmittal Letter (2 pages) (in duplicate); Information Disclosure Statement (2 pgs.); PTO Form 1449 listing all cited references (6 pgs.); Legible copies of 58 references; Certificate of Express Mail Label No. EV 396 739 638 US; and postcard

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 28, 2003*(Date)***Beth Woodham***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 396 739 638 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**



EXPRESS MAIL NO. EV 396 739 638 US

PATENT APPLICATION  
Docket No: 15550.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
James Smelser	)	
	)	
Serial No.:	)	Art Unit
10/628,027	)	3637
	)	
Confirmation No.:	)	
3365	)	
	)	
Filed:	)	
July 25, 2003	)	
	)	
For:	)	
DOUBLE CORE BRACE	)	
	)	
Examiner:	)	
Unassigned	)	

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

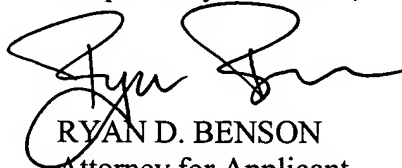
Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

Since all listed references are either in the English language or are accompanied by an English abstract, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Please charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

DATED this 28 day of November, 2003.

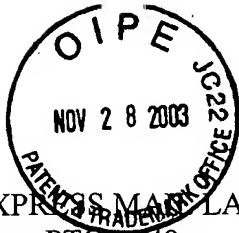
Respectfully submitted,



RYAN D. BENSON  
Attorney for Applicant  
Registration No. 54,767

**CUSTOMER NUMBER: 022913**

RDB: blw  
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EXPRESSION MARK LABEL NO.: EV 396 739 638 US  
Form PTO-1449

Sheet 1 of 6

Applicant: James Smelser

Serial No.: 10/628,027

Att'y Docket No.: 15550.7

Filing Date: July 25, 2003

Group: 3637

Confirmation No.: 3365

For: DOUBLE CORE BRACE

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INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	3,232,638	2/01/66	Hollander, Milton	285	55	11/26/62
_____ A2.	5,175,972	1/05/93	Sridhara	52	727	07/02/84
_____ A3.	5,471,810	12/05/95	Sugisawa	52	731.7	08/12/94
_____ A4.	2001/0000840	5/10/01	Takeuchi, et al.			05/10/01 (pub)

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publ. Date</u>	<u>Country or Patent Office</u>	<u>Sub Class</u>	<u>Class</u>	<u>Trans- lation</u>
_____ A5.	155,036	7/30/82	India			Translation
_____ A6.	1-187271	7/26/89	Japan			Abstract
_____ A7.	3-199542	8/30/91	Japan			Abstract
_____ A8.	3-199581	8/30/91	Japan			Abstract
_____ A9.	3-199582	8/30/91	Japan			Abstract
_____ A10.	3-262881	11/22/91	Japan			Abstract

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396 739 638 US

Form PTO-1449

Sheet 2 of 6

Applicant: James Smelser

Serial No.: 10/628,027

Att'y Docket No.: 15550.7

Filing Date: July 25, 2003

Group: 3637

Confirmation No.: 3365

For: DOUBLE CORE BRACE

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_____ A11.	4-70438	3/5/92	Japan	Abstract
_____ A12.	4-19121	4/30/92	Japan	No
_____ A13.	5-9977	1/19/93	Japan	Abstract
_____ A14.	5-3402	1/19/03	Japan	Abstract
_____ A15.	5-71242	3/23/93	Japan	Abstract
_____ A16.	5-133137	5/28/93	Japan	Abstract
_____ A17.	5-57110	7/30/93	Japan	Abstract
_____ A18.	5-57111	7/30/93	Japan	Abstract
_____ A19.	7-229204	8/29/95	Japan	Translation
_____ A20.	7-324377	12/12/95	Japan	Abstract
_____ A21.	7-324378	12/12/95	Japan	Abstract
_____ A22.	9-221830	8/26/97	Japan	Abstract
_____ A23.	9-328813	12/22/97	Japan	Abstract
_____ A24.	10-110470	4/28/98	Japan	Abstract
_____ A25.	10-306498	11/17/98	Japan	Abstract
_____ A26.	11-29978	2/2/99	Japan	Abstract

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Examiner:

Date Considered:

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EXPRESS MAIL LABEL NO.: EV 396 739 638 US

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Sheet 3 of 6

Applicant: James Smelser

Serial No.: 10/628,027

Att'y Docket No.: 15550.7

Filing Date: July 25, 2003

Group: 3637

Confirmation No.: 3365

For: DOUBLE CORE BRACE

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_____ A27.	11-29987	2/2/99	Japan	Abstract
_____ A28.	11-117404	4/27/99	Japan	Abstract
_____ A29.	11-153194	6/8/99	Japan	Abstract
_____ A30.	11-159010	6/15/99	Japan	Abstract
_____ A31.	11-172783	6/29/99	Japan	No
_____ A32.	11-172784	6/29/99	Japan	No
_____ A33.	11-280294	10/12/99	Japan	Abstract
_____ A34.	2000-27292	1/25/00	Japan	Abstract
_____ A35.	2000-27293	1/25/00	Japan	Abstract
_____ A36.	2000-45562	2/5/00	Japan	Abstract
_____ A37.	2000-96867	4/4/00	Japan	Abstract
_____ A38.	2000-110257	4/18/00	Japan	Abstract
_____ A39.	2000-144900	5/26/00	Japan	Abstract
_____ A40.	2000-186372	7/4/00	Japan	Abstract
_____ A41.	2000-265602	9/26/00	Japan	Abstract
_____ A42.	2000-265706	9/26/00	Japan	Abstract

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Date Considered:

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EXPRESS MAIL LABEL NO.: EV 396 739 638 US

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Sheet 4 of 6

Applicant: James Smelser

Serial No.: 10/628,027

Att'y Docket No.: 15550.7

Filing Date: July 25, 2003

Group: 3637

Confirmation No.: 3365

For: DOUBLE CORE BRACE

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_____ A43.	2000-328669	11/28/00	Japan	Abstract
_____ A44.	2001-132112	5/15/01	Japan	Abstract
_____ A45.	2001-214541	8/10/01	Japan	Abstract
_____ A46.	2001-227192	8/10/01	Japan	Abstract

Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

Examiner

Initial\*

\_\_\_\_\_ A47. Nippon Steel Corp., Steel Structure Div., Toykoyo Japan, "Unbonded Brace" (Applicant makes no claim that this is prior art and have no idea when the brochure was published).

\_\_\_\_\_ A48. "Fully Braced for Seismic Survival," Engineering, July 19, 1997, pages 34-36.

\_\_\_\_\_ A49. Nippon Steel Corp., Building Construction and Urban Development Divs., Engineering Business Organization (to the best of Applicant's knowledge and belief, this reference was published at least as early as 1998).

\_\_\_\_\_ A50. Tube Investment of India LTD, A Report on the New Concept of Sleeved Column and its Applications, August 28, 2001 (While applicant is not aware if or when this reference may have been published, to the best of the applicant's knowledge and belief, this reference was published prior to the date of the above referenced patent.)

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Examiner:

Date Considered:

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EXPRESS MAIL LABEL NO.: EV 396 739 638 US

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Sheet 5 of 6

Applicant: James Smelser

Serial No.: 10/628,027

Att'y Docket No.: 15550.7

Filing Date: July 25, 2003

Group: 3637

Confirmation No.: 3365

For: DOUBLE CORE BRACE

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- \_\_\_\_\_ A51. Eric Ko, Andrew Mole, Ian Aiken, Frederick Tajirian, Zigmund Rubel and Isao Kimura, Application of the Unbonded Brace in Medical Facilities, July 2002 (While applicant is not aware if or when this reference may have been published, to the best of the applicant's knowledge and belief, this reference was published prior to the date of the above referenced patent.)
- \_\_\_\_\_ A52. Parry Brow, S.E., Ian D. Aiken, Ph.D., P.E., F. Jeff Jafarzadeh, P.E., Seismic Retrofit of the Wallace F. Bennett Federal Building, August 2001
- \_\_\_\_\_ A53. Ian D. Aiken and Isao Kimura, The Use of Buckling-Restrained Braces in the United States (While applicant is not aware if or when this reference may have been published, to the best of the applicant's knowledge and belief, this reference was published prior to the date of the above referenced patent.)
- \_\_\_\_\_ A54. David B. Rosenbaum, 'New' Seismic-Resistant System Finally Gets Warm U.S. Welcome, June 3, 2002
- \_\_\_\_\_ A55. Gil Davis, Catch the next Wave, April 2002
- \_\_\_\_\_ A56. Rafael Sabelli, Stephen Mahin and Chunho Chang, Seismic Demands on Steel Braced Frame Buildings with Buckling-Restrained Braces (While applicant is not aware if or when this reference may have been published, to the best of the applicant's knowledge and belief, this reference was published prior to the date of the above referenced patent.)
- \_\_\_\_\_ A57. Atsushi Watanabe, Yasuyoshi Hitomi, Eilchiro Saeki, Akira Wada, and Morihisa Pujimoto, Properties of Brace Encased in Buckling-Restraining Concrete and Steel Tube, August 1988 (While applicant is not aware of the exact date of publication, to the best of applicant's knowledge and belief this reference was published prior to the filing date of the above referenced application)
- 

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Date Considered:

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Form PTO-1449

Sheet 6 of 6

Applicant: James Smelser

Serial No.: 10/628,027

Att'y Docket No.: 15550.7

Filing Date: July 25, 2003

Group: 3637

Confirmation No.: 3365

For: DOUBLE CORE BRACE

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\_\_\_\_\_ A58. Peter Clark, Ian Aiken, Kazuhiko Kasai, Eric Ko, and Isao Kimura, Design Procedures for Buildings Incorporating Hysteretic Damping Devices, October 1999 (While applicant is not aware of the exact date of publication, to the best of applicant's knowledge and belief this reference was published prior to the filing date of the above referenced application)

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.